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# MEMORANDUM

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Date: August 13, 2013

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **Discussions between the U.S. Army Corps of Engineers, the Regional Flood Control District and the Tucson Audubon Society Regarding an In-lieu Fee Mitigation Site for Cienega Creek as It Relates to Mitigating Impacts to Waters of the United States by the Proposed Rosemont Copper Mine**

Discussions have occurred between Regional Flood Control District (RFCD) staff and the Tucson Audubon Society (TAS) with the U.S. Army Corps of Engineers to create an in-lieu fee mitigation project in the Cienega Creek to offset impacts to Waters of the United States caused by the Rosemont Copper mining proposal.

The attached July 31, 2013 letter discusses County and TAS concerns over such a proposal, mainly due to the lack of a dependable wet water supply to provide the mitigation, regardless of the number of surface water rights being acquired and potentially transferred by Rosemont.

Acquisition of these surface water rights to protect surface water flows in the Cienega Creek is desirable. Acquiring the Pantano Dam site and ending surface water diversions to the Del Lago Golf Course is also desirable, as is the acquisition of an extraction well owned by Vail Water Company that is near the Dam.

However, the RFCD and TAS cannot assume full legal responsibility for the required reestablishment of specific acreage of riparian vegetation downstream of the dam site. Little is known about the subsurface soil conditions and the ability to raise the groundwater level below the property owned by the RFCD along the Cienega Creek downstream of the dam site by the reintroduction of surface waters into this stream reach. Reestablishment of sustainable riparian vegetation, and the acreage of same, is highly dependent on how far stream flow will travel downstream of the dam before infiltrating, how dependable the supply of water from regular surface flow, and whether shallow groundwater level could be provide for obligate riparian vegetation.

In addition to the July 31, 2013 letter, I have attached a report prepared by Mr. Brian Powell of our Sustainability and Conservation Office entitled *Water Resource Trends in the*

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*Cienega Creek Natural Preserve, Pima County, Arizona, August 2013, for your information and review.*

CHH/dph

**Attachments**

c:     John Bernal, Deputy County Administrator for Public Works  
       Suzanne Shields, Director, Regional Flood Control District  
       Julia Fonseca, Environmental Planning Manager, Conservation and Sustainability  
       Nicole Fyffe, Executive Assistant to the County Administrator